IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2558 OF 2005

Rollic AG etal ... Petitioner

Vs.

Union of India and Ors. ... Respondents

Mr. Utkarsh Tiwari i/by Shantilal & Co. for the Petitioner.

Mr. G. Hariharan with Mr. Rajiv Chavan for Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: OCTOBER 12, 2006

P.C.:

. Rule. Heard forthwith.

. The issue in this petition is similar to what was in issue in Writ Petition No. 2273 of 2005. In the light of that this petition is also being disposed of in the like manner.

. The Petitioner is aggrieved by the order dated 29th June, 2005 passed by the Assistant Controller of Patents and Designs, by which the Petitioners application No. IN/PCT/2001/00980/MUM is deemed to have been abandoned under Section 21(1) of the Patents (Amendment) Ordinance, 2004 for not meeting the requirement as under.

(i) Method claims does not define the method steps;

(ii)Claim 1 does not define the invention sufficiently.

(iii) Title is not constant with description and claims.

(iv) Title is not precise.

(v) Last date was in order for grant is expired on 25.02.2005.

. The learned counsel for the petitioner submits that the Petitioner has approached this forum because the Appellate Forum is not functioning. This fact has not been disputed by the learned Counsel appearing for the respondents.

. We have carefully perused the impugned order dated 29th June, 2005. In the facts and circumstances of this case, we deem it appreciate to set aside the impugned order and direct the Assistant Controller of Patents & Designs to give a reasoned order as expeditiously as possible, and, in any event, within six weeks from the date of receipt of this order.

. No further directions are necessary. This Petition is accordingly disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**